

Document #0017: Comments
New York State Energy Research and Development
Authority

Ms. Alice C. Williams
Page 2
June 30, 2003

If you have any questions regarding these comments, please contact me at (716) 942-4378.

Sincerely,

WEST VALLEY SITE MANAGEMENT PROGRAM

Paul L. Piccolo
Paul L. Piccolo, Ph.D.
Director

PLP/amd

Attachments

- (1) NYSERDA Comments on Waste Management DEIS
- (2) Comments of the New York State Energy Research and Development Authority on the West Valley Demonstration Project Draft Waste Management Environmental Impact Statement, Presented at the Public Comment Session on June 11, 2003

- cc:
- D. W. Sullivan, USDOE-WV (w/atts.)
 - R. F. Warther, USDOE-OH (w/atts.)
 - M. W. Fret, USDOE-EM-30 (w/atts.)
 - P. A. Giardina, USEPA (w/atts.)
 - D. M. Gillen, NRC-TWPN (w/atts.)
 - E. E. Dessanti, NYSDEC (w/atts.)
 - P. R. Smith, NYSERDA-Albany (w/atts.)
 - H. Brodie, NYSERDA-Albany (w/atts.)
 - T. H. Ahridge, NYSERDA-WV (w/atts.)
 - P. J. Bombis, NYSERDA-WV (w/atts.)
 - C. L. Gerwitz, NYSERDA-WV (w/atts.)
 - T. L. Sonntag, NYSERDA-WV (w/atts.)

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Document #0017: Comments
New York State Energy Research and Development
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Dear
NYSERDA
New York State Energy Research and Development Authority
Victoria A. Beland, Eng., Chairman
Tel/Fax: 1 (606) NYSERDA
www.nyserda.org • info@nyserda.org

June 30, 2003

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Alice C. Williams, Director
U.S. Department of Energy
West Valley Demonstration Project
10282 Rock Springs Road
West Valley, NY 14171-9799

SUBJECT: West Valley Demonstration Project Waste Management Environmental Impact Statement
(Draft-April 2003)

Dear Ms. Williams:

The New York State Energy Research and Development Authority is submitting the attached written comments on the subject document prepared by the U.S. Department of Energy (DOE). Also included with the written comments, is a copy of the oral comments that I presented at the June 11, 2003 Public Comment Session hosted by your organization.

NYSERDA looks forward to hearing how our comments have been addressed by DOE.

Main Office Albany 1200 State Street Albany, NY 12203-5099 Phone: (518) 862-3900 Toll Free: 1 (866) NYSERDA Fax: (518) 862-3897	West Valley Site Management Program 10282 Rock Springs Road West Valley, NY 14171-9799 Phone: (716) 942-4378 Fax: (716) 942-2148	Buffalo 617 Main Street, Suite 305 Buffalo, NY 14203 Phone: (716) 842-1122 Fax: (716) 842-1255
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Document #0017: Comments 17.4 – 17.6
 New York State Energy Research and Development Authority

3. **Proposed Stabilization of the HLW Tanks.** Contrary to what is stated in the Waste Management EIS, NYSERDA believes that stabilization of the HLW tanks by adding grout, one of the waste management actions analyzed, would prejudice the range of alternatives to be considered or the decisions to be made for eventual decommissioning and/or long-term stewardship of the WVDP. NYSERDA believes it is not appropriate to include this analysis in the Waste Management EIS, and we believe that any decision to add grout to the HLW tanks would be premature until the U.S. Nuclear Regulatory Commission (NRC) has rendered a decision about whether the residual waste in the HLW tanks is to be considered Waste Incidental to Reprocessing, as part of the Decommissioning and/or Long-Term Stewardship EIS. [For further information on this comment, see attached NYSERDA comments presented at the June 11, 2003 Public Comment Session.]

4. **Connection of the Waste Management EIS to the Decommissioning and/or Long-Term Stewardship EIS.** In Section 1.2.2 of the Waste Management EIS, it is noted that DOE limited the scope of the on-site and off-site waste management actions due to concerns that decommissioning actions originally proposed in the March 26, 2001 Notice of Intent (NOI) were connected to the decommissioning and/or long-term stewardship actions. NYSERDA believes the connection of the two actions was a valid concern and agrees with DOE's decision not to include decommissioning in the Waste Management EIS. Similarly, the action of adding 40 inches of grout to the HLW tanks and annulus, which was not included in the NOI for public comment, would also be connected to decommissioning and/or long-term stewardship actions and should be eliminated from the scope of the Waste Management EIS.

5. **Interference of the Need for Splitting the EIS Process and the Negotiation Impasse Between DOE and NYSERDA.** In Section 1.2.1, Litigation and NEPA Compliance History, the following statements are made:

"Despite long negotiations, DOE and NYSERDA have been unable to reach an agreement on a preferred future course of action for the closure of the Center (GAC 2001)."
"To allow the Department to continue to meet its obligations under the West Valley Demonstration Project Act, DOE is preparing two EIS..."

These statements suggest that unsuccessful negotiations were the reason for splitting the EIS into two parts (waste management and decommissioning); this is not true and must be corrected.

The NOI for the Waste Management EIS (including plans for splitting the EIS into two parts) was issued on March 26, 2001, well before the acknowledgment of an impasse in negotiations (January 2003). Further, before the NOI was even published, DOE publicly stated that "they are preparing the split to meet federal Environmental Policy Act regulations and to insure that funding for the project continues." (Buffalo News, September 26, 2000). At a September 25, 2000 Chizen Task Force Meeting, in response to concerns regarding the need to split the EIS, DOE stated that its "legal counsel feels that the agency needs more NEPA coverage under a new EIS for the Decommissioning/Waste Management activities." We request that this misrepresentation be corrected.

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Document #0017: Comments 17.1 – 17.3
 New York State Energy Research and Development Authority

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NYSERDA Comments
 Draft Report: West Valley Demonstration Project Waste Management Environmental Impact Statement
 dated April 2003

General Comments:

1. **The U.S. Department of Energy (DOE) Proposed Action.** The New York State Energy Research and Development Authority (NYSERDA) supports the DOE proposed action to ship all Project wastes off site for disposal.

2. **Inclusion of Actions Not Requiring Additional National Environmental Policy Act (NEPA) Coverage.** In Section 1.4, Alternatives, of the Waste Management Environmental Impact Statement (EIS), DOE identifies its proposed actions (also referred to as the preferred alternative)

- (1) continue onsite management of Project-generated waste controlled by DOE under the West Valley Demonstration Project (WVDP) until they can be sent to offsite disposal,
- (2) ship, over the next 10 years, all wastes with acceptable offsite disposal destinations, and
- (3) manage the emptied, ventilated HLW tanks, until future decommissioning decisions are made.

The shipment of wastes described in Action 2 is the only one of the three that doesn't appear to already have adequate National Environmental Policy Act (NEPA) coverage. Action 1, the continued on-site management of the Project-generated wastes, is an ongoing activity for which DOE presumably has adequate NEPA coverage, and consequently does not need to be covered in the Waste Management EIS. Action 3 is not appropriate for assessment in the Waste Management EIS because: 1) the continued management of the HLW tanks, the preferred alternative, is an ongoing activity for which DOE presumably has adequate NEPA coverage, and, 2) any assessment of placing grout in the tanks is connected to the Decommissioning EIS (see the following NYSERDA general comment). Thus, it does not appear necessary or appropriate to include either of these activities in the Waste Management EIS. [While NYSERDA has provided specific comments below on the analyses of these actions, our position remains that inclusion of these actions for analysis is not appropriate.]

In addition to the NEPA analysis of Actions 1 and 3 being unnecessary and/or inappropriate for inclusion in the Waste Management EIS, viable alternatives to the proposed actions were not included in the EIS. Alternatives or variations of continued on-site management of wastes that were not included in the Waste Management EIS include construction of additional on-site waste storage capacity or re-configuring the current on-site management such as construction of a dry-cask storage system for the glass logs. Alternative tank stabilization actions that were not included in the Waste Management EIS include the addition of corrosion inhibitors to the tanks, complete grouting of the tanks or tank exhumation. NYSERDA does not endorse the inclusion of these alternatives in the Waste Management EIS because we believe they are more appropriately analyzed in the Decommissioning and/or Long-Term Stewardship EIS. Instead, we believe these actions should be removed from scope of the Waste Management EIS.

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 New York State Energy Research and Development Authority

- NOI. The purpose of this section of the EIS is to describe the on-site waste management facilities and areas and therefore the last paragraph appears to be out of place. 17.12

 - Pages 2-1 to 2-4, Section 2.1 (Overview of the Alternatives) - NYSERDA does not support the inclusion of ongoing management of the HLW tanks in the Waste Management EIS, however, we offer the following additional concern. The waste mobilization and transfer pumps are suspended in the HLW tanks. Under Alternative B, the addition of 40 inches of grout to the HLW tanks will cover the bottom portions of these pumps and therefore make future removal of the pumps more difficult. The Waste Management EIS should include the analysis of additional resources needed and the associated impacts that would result if a future decision to remove the HLW tanks is made. 17.13
 - Page 2-19, Figure 2-4 (Summary of Normal Operational Impacts at West Valley) - The figure lists "No Impact" for Alternatives A and B under the "Noise and Aesthetics" impact area. Considering an estimated 2,558 truck shipments and 847 rail shipments for Alternative A and 3,120 truck shipments and 1,079 rail shipments for Alternative B, it is hard to reconcile a determination of "No Impact." The EIS should describe the basis for making this determination. 17.14
 - Page 2-20, Table 2-5, Summary of Accident Impacts at West Valley - NYSERDA does not support the inclusion of ongoing management of the HLW tanks in the Waste Management EIS, however, we offer the following additional concern. It is not apparent that impacts to groundwater and surface water from the tank collapse scenarios (including any doses from those impacts) are included in the calculation of accident impacts. 17.15
 - Pages 2-21 and 2-22, Table 2-6 (Summary of Offsite Human Health Impacts) - This table appears incomplete as there are 13 references to data that is not available (listed as NA). It is not clear whether this information is going to be available sometime in the future or will never be available. This should be corrected in the EIS. 17.16
 - Page 3-1, Section 3.1 (Geology and Soils) - This section contains a very brief description of the geologic setting for the Western New York Nuclear Service Center, developed from information in the 1996 Project Completion and Site Closure DEIS. There has been significant work over the last several years on the structural geology and seismicity of Western New York (see *An Update of the Structural Geology in the Vicinity of the Western New York Nuclear Service Center, West Valley New York*, URS Corporation, May 2002, and *Neotectonics and Seismicity in the Eastern Great Lakes Basin*, Tectonophysics, Vol. 353). Section 3.1 of the Waste Management EIS should be revised to provide an updated description of the geologic setting and seismicity in the vicinity of the Western New York Nuclear Service Center. 17.17
 - Page 3-6, Section 3.2.2 (Groundwater) - The first sentence of the second paragraph refers to "two aquifers." The previous paragraph refers only to the "Cattaraugus Creek Basin Aquifer System." The EIS should be revised to clearly identify the two aquifers referred to in this paragraph. In addition, the groundwater flow path through the Kent Recessional unit to Buttermill Creek should be described in this section. 17.18

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- 6. Remote Handled Waste Facility (RHWF) Operations. Operation of the RHWF has not yet begun, and thus the actual operations data (from 1995 through 1999) used to characterize the impacts on worker and public health from "ongoing operations," as defined in Section 1.4 of the Waste Management EIS, would need to be adjusted for this additional operational activity. The operational impacts and resources needed for RHWF operations would appear to affect only Alternatives A and B, but not to affect the no action alternative. These differences should be quantified and accounted for in the analyses of the alternatives. 17.7
 - 7. Irreversible or Irrecoverable Commitment of Resources. The addition of grout to the HLW tanks and annulus would involve an irreversible or irretrievable commitment of resources that would increase the volume of waste that would have to be excavated and disposed of offsite under Alternatives 1 and 2 of the Decommissioning and/or Long-Term Stewardship EIS presented in the NOI published on March 13, 2003. The Waste Management EIS includes no consideration of the resources that it would take to retrieve the grout in the HLW storage tanks (under Alternative B) should a future decision to exhume the tanks be made. The environmental and human health impacts of such activities is also absent. 17.8
- Specific Comments:**
- Page 1-1, Introduction - The waste volumes evaluated in the Waste Management EIS are identified as those wastes that are either currently in storage or that would be generated over the next 10 years from ongoing operations and decontamination activities. The Waste Management EIS provides no further description of the waste generating activities that were analyzed, but summarizes the quantities of wastes that will be shipped under Alternatives A and B in Table 2-3, *Waste Volumes, Containers and Shipments Under Alternatives A and B*. A footnote to Table 2-3 identifies the source of this table to be the report: *Decommissioning and Waste Management Environmental Impact Statement Engineering Report* (Marschke 2001). Further, it is stated that waste volumes from Marschke 2001 were escalated by 10 percent to account for uncertainties in future waste projections, packaging efficiency and choice of shipping container (though it is not clear which values from Marschke 2001 were escalated). Therefore, the EIS should be revised to describe the waste generation activities (i.e., operations, decontamination, etc.) that form the basis for the waste volumes presented in Table 2-3. 17.9
 - Page 1-7, Section 1.1.3.1 (Management Responsibilities at the Center) - The last sentence of the first paragraph should read as follows: "NYSERDA is also responsible for making a timely application for an NRC license, as may be required for NYSERDA to assume possession of the Project Premises and Project Facilities upon completion of the Project (Article VI)." 17.10
 - Page 1-7, Section 1.1.3.2 (Project Facilities and Areas) - The description of Project Facilities and Areas should be revised to add the RHWF. The RHWF is a major Project Facility that will be used to size reduce, characterize and package Low-Level Radioactive Wastes (LLRW) and Transuranic (TRU) wastes. Also, exclusion of the RHWF from this section is not consistent with Section 2.2.3 of the Waste Management EIS which describes the purpose and use of the RHWF. 17.11
 - Page 1-8, Section 1.1.3.2 (Project Facilities and Areas) - The last paragraph in this section describes a change in scope of this EIS from the original scope described in the March 26, 2001 17.12

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- Page D-9, Table D-4 (Unit Risk Factors for Incident Free Transportation) - It is not clear why the dose for a rail worker "in moving vehicle" and the "walk-around inspection" is considered "Not Applicable." Please explain this in the EIS.

Document #0017: Comments 17.20 - 17.22
New York State Energy Research and Development Authority

Comments of the New York State Energy Research and Development Authority on the West Valley Demonstration Project Draft Waste Management Environmental Impact Statement
Presented at the Public Comment Session on June 11, 2003
Ashford Office Complex

My name is Paul Nichols and I am Director of the West Valley Site Management Program for the New York State Energy Research and Development Authority, more commonly referred to as NYSERDA. I am here to provide oral comments on the Waste Management Environmental Impact Statement on behalf of NYSERDA. NYSERDA also will be submitting written comments to the U.S. Department of Energy (DOE) prior to closure of the formal public comment period.

Our most important issue of concern regarding the Waste Management EIS is inclusion of the analysis to add grout to High-Level Waste Tanks 8D-1 and 8D-2 and the umulus surrounding each tank. NYSERDA believes that this activity, and alternatives for grouting the tanks, should not have been included in this Waste Management EIS. Long-term management options for the High-Level Waste Tanks are more appropriately analyzed in the *Environmental Impact Statement to Evaluate Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center*. The reasons for this are threefold. First, the March 26, 2001 scoping for this Waste Management EIS did not include grouting of the high-level waste tanks. Second, the analysis of grouting the High-Level Waste Tanks in the Waste Management EIS is inconsistent with policy announced by the U.S. Nuclear Regulatory Commission (NRC) stating that the impacts of fracking a Waste incidental to Reprocessing determination, which is a prerequisite for grouting the tanks, should be analyzed in the Decommissioning EIS. Lastly, Resource Conservation and Recovery Act regulations preclude treatment by grout solidification until NRC has rendered its final decision on whether the Decommissioning EIS preferred alternative meets the criteria in the Commission's Policy Statement. I will now provide a more detailed explanation of these three concerns.

The proposed scope for the Waste Management EIS, as published in the Federal Register on March 26, 2001 (66 Fed. Reg. 16447), did not include grouting the tanks. The scope indicated that the Waste Management EIS would "include such activities as removal of loose contamination; removal of hardware and equipment; nonstructural decontamination of walls, ceilings, and floors; and flushing and/or removal of vessels and piping." Grouting of the tanks was not included in the description of the proposed action or the preliminary alternatives to be evaluated. Thus, it appears that evaluation of grouting the tanks is beyond the scope of this Waste Management EIS. The Federal Register Notice indicated that: "The remaining facilities for which the DOE is responsible, along with all final decommissioning and/or long-term stewardship actions to be taken by the DOE and NYSERDA, will be evaluated in [the Decommissioning EIS]."

Additionally, the residual waste in the High-Level Waste Tanks remains high-level waste, at the very least until a determination is made that such waste is incidental to reprocessing, in accordance with the requirements established by the NRC in the U.S. Nuclear Regulatory Commission Decommissioning Criteria for the West Valley Demonstration Project at the West Valley Site, Final Policy Statement, on February 1, 2002 (67 Fed. Reg. 5003). The Final Policy Statement states that the NRC intends to use the Decommissioning EIS to render a decision

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Document #0017: Responses

17.1. Thank you for your comment.

17.2. DOE has analyzed the continuing management of WVDP-generated waste in earlier NEPA reviews and documents. Those activities were included as part of the action alternatives because of the potential for cumulative impacts. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

17.3. In the discussion of alternatives considered but not analyzed (Section 2.6 of the Draft and Final EISs), DOE explained that the EIS does not consider the construction of additional storage capacity at the WVDP site. DOE does not consider it reasonable to analyze an alternative to construct and maintain storage at the WVDP site because of the cost of new facilities and maintenance of existing facilities.

DOE is not aware of any corrosion-inhibiting technology that would be feasible, beyond that which is already being performed by use of the nitrogen inerting system for the annuli of Tanks 8D-1 and 8D-2. Complete grouting of the tanks or tank exhumation are issues that relate to the decommissioning and/or long-term stewardship of the site and, as such, will be addressed in that EIS.

17.4. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.

17.5. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim

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 New York State Energy Research and Development Authority

on the acceptability of DOE's Waste Incidental to Reprocessing determinations. NRC states that:

"The resulting calculated dose from the incidental waste is to be integrated with all the other calculated doses from the remaining material at the entire NRC-licensed site to ensure that the License Termination Rule criteria are met. This is appropriate because the Commission does not intend to establish separate dose standards for various sections of the NRC-licensed site."

"It is the Commission's expectation that it will apply this criteria at the WVDP site following the completion of DOE's site activities. In this regard, the impacts of identifying waste as incidental to reprocessing and not high-level waste should be considered in the DOE's environmental reviews."

NRC even more clearly defines its expectations in a June 17, 2002 letter from Richard A. Meserve to myself.

"The Decommissioning EIS will address DOE Waste Incidental to Reprocessing determinations. NRC will review and comment on DOE Waste Incidental to Reprocessing determinations as a Cooperating Agency. NRC will also be rendering its final decision on DOE's Waste Incidental to Reprocessing determination in NRC's decision on whether the preferred alternative meets the criteria in the Commission's Policy Statement."

Thus, until the Decommissioning EIS is completed and NRC has made its determination regarding the tank residuals, such materials must continue to be managed as high-level waste and any decision to grout the tanks based on the Waste Management EIS would be premature.

Finally, the residual waste in the High-Level Waste Tanks is both high-level waste and Resource Conservation and Recovery Act (RCRA) characteristic waste. It is NYSERDA's understanding that, at this time, the only form of treatment accepted for such waste is vitrification. As long as the tank residual waste is high-level waste, in other words until NRC has rendered its final decision on DOE's Waste Incidental to Reprocessing determination in its decision on whether the Decommissioning EIS preferred alternative meets the criteria in the Commission's Policy Statement, current RCRA requirements preclude treatment by grout stabilization. Thus, under RCRA regulations, a determination must be made with respect to the Waste Incidental to Reprocessing issue before a decision to grout the tanks can be made.

NYSERDA requests that DOE reconsider its inclusion of High-Level Waste Tank grouting in the Waste Management EIS. As I mentioned earlier, NYSERDA will be providing more detailed written comments prior to the closure of the formal public comment period. Thank you for this opportunity to share our concerns.

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- stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.6. DOE reviewed the material and believes that it has accurately stated its reasoning.
- 17.7. The RHWF is not currently operating and is not expected to operate until 2004. Because no data are available regarding operations from the RHWF, in its analysis of ongoing activities, DOE used actual operational data from vitrification activities in 1995 through 1999 and determined that the data from those years would be more than the future emissions from the RHWF and thus would bound the analysis (see Section 4.1.1.1 and Appendix C, Section C.3).
- 17.8. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.9. Clarification was added to the description of Table 2-3 to indicate that the ongoing operations are described in Section 2.3.
- 17.10. The change was made as suggested.
- 17.11. DOE did not include the RHWF in the discussion of the project facilities that store waste because no waste will be stored in the facility.
- 17.12. DOE reviewed the paragraph and believes it conveys information useful to the reader and is located in an appropriate location.
- 17.13. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.14. Table 2-4 is a summary table, and the discussion of the impacts can be found in Chapter 4. In Table 2-4 of the Final EIS, DOE refers the reader to Chapter 4 to obtain additional information regarding impacts.
- 17.15. The EIS (both draft and final) does analyze tank collapse scenarios (see Appendix C, Sections C.4.4 and C.4.5). Groundwater and surface pathways were not analyzed because it was assumed that the contents of the tanks would be released to the atmosphere. This would result in the exposure of a higher concentration of radionuclides to a larger number of people than would be the case with a groundwater or surface water pathway. For this reason, the analysis bounds the impacts of a tank collapse scenario in which the contents would be released into the groundwater or surface water. The long-term impacts of tank failure should the tanks remain in place, including potential exposure to contaminated groundwater, will be addressed in the Decommissioning and/or Long-Term Stewardship EIS.
- 17.16. The sources for the information in Table 2-6 are the WM PEIS and the WIPP SEIS-II. The information marked "NA" on the table was not presented in either of the source documents and, for that reason, is not available.
- 17.17. DOE acknowledges that additional information on this topic exists, but decided not to include a more detailed examination of that information in the Final WVDP Waste Management EIS because it is not relevant to the actions being proposed. However, this information will be examined in the Decommissioning and/or Long-Term Stewardship EIS, where information regarding the geologic setting of the site is relevant.

- 17.18. Clarifications were added to the Final EIS in the discussion of groundwater (Section 3.2.2).
- 17.19. The doses apply to the truck scenario, not the rail scenario; therefore, they are denoted “not applicable” for the rail scenario in Table D-4 (see footnote “a” to Table D-4). For example, in the truck scenario, the doses for workers who inspect the truck are called a “walk-around” inspection dose. This same type of dose for the rail scenario is denoted an “in-transit rail stop” dose.
- 17.20. The Draft WVDP Waste Management EIS analyzed the use of retrievable, low-strength grouting for the interim stabilization of the HLW tanks should that become necessary before decisionmaking about the site is completed. As stated in the Draft EIS, this grout would be sufficiently flexible to provide shielding and would not prohibit exhumation of the tanks should DOE decide to remove the tanks in the future. However, DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.21. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.22. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.23. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 17.24. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
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Document #0018: Comments 18.1 – 18.7
U.S. Environmental Protection Agency



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Alice C. Williams, Director
West Valley Demonstration Project
Department of Energy
10282 Rock Spring Plaza
West Valley, New York 14171-9799

Class: LO

Dear Ms. Williams:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (EIS) on Waste Management for the West Valley Demonstration Project (CEQ# 030224), located in West Valley, New York. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The Waste Management draft EIS details the Department of Energy's (DOE) proposal to ship radioactive wastes that are either currently in storage, or that will be generated from operations over the next 10 years, to offsite locations, and to continue its onsite waste management activities. The document notes that decommissioning and/or long-term stewardship decisions will be reached in a separate EIS that is expected for release in 2004. In 1996, a draft EIS was released for public comment for the Completion of the West Valley Demonstration Project and Closure or Long-Term Management of the Western New York Nuclear Services Center. EPA's October 4, 1996 comment letter on the draft EIS rated the document as EO, indicating we had environmental objections. Our objections were related to clean-up levels, ground and surface water impacts, the accuracy of the risk assessment, and the potential loss of institutional controls. Rather than issue a final EIS, the DOE proposed the preparation of two separate NEPA documents to address the issues raised on the 1996 draft EIS: the current Waste Management EIS and the Decommissioning FIS.

In addition to the No-Action Alternative, the Waste Management draft EIS evaluates two action alternatives. Under Alternative A (preferred), radioactive wastes would be shipped to offsite locations over a ten-year period and the high-level waste tanks and vaults would be managed without additional interim stabilization measures. Under Alternative B, over a ten-year period, the DOE proposes to ship radioactive wastes to offsite locations for disposal or interim storage, and add retrievable grout to high-level waste storage tanks and vaults. Based on our review of the draft EIS, EPA offers the following comments.

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18.1 While EPA has an overall lack of objections with the proposed Waste Management actions, we believe that the draft EIS lacked specific documentation in some areas. For example, although the draft EIS envisions a ten-year period for ongoing operations, and EPA supports the expeditious removal of wastes, the final EIS should include information and analyses to determine the consequences or impacts from shipping radioactive wastes to offsite locations beyond the ten-year period. While not anticipated, waste shipments could occur beyond the ten-year period, therefore, this should be analyzed in the final EIS.

18.2 Footnote B to Table 2-3 indicates that the volumes of transuranic (TRU) waste are for wastes that meet the Nuclear Regulatory Commission (NRC)/DOE definition which is greater than 100nC/g of alpha-emitting radionuclides with half-lives greater than 20 years. The West Valley Demonstration Project (WVDP) Act defines TRU waste as waste contaminated with transuranics in concentrations greater than 10 nC/g. EPA believes the final EIS should identify the estimated volume of wastes that meet the TRU definition, and a discussion and analysis of how this waste will be managed.

18.3 Appendix C and Section 4.1.1.2 refer to fourteen accidents that were evaluated, with Table 2-5 summarizing only eleven accidents. EPA notes that Class B low-level radioactive waste (LLW) container accidents were not evaluated. EPA believes that the final EIS should include Class B LLW, or provide the rationale for its exclusion from the evaluation.

In addition to the comments above, EPA has the following recommendations:

- 18.4 Under the No-Action and Alternative A, EPA recommends the final EIS (perhaps Section 2.2.2, Tank Farm) describe the ongoing operation of ventilating the waste storage tanks and surrounding vaults to prevent moisture.
- 18.5 Under the description of Alternative B in Chapter 2, EPA recommends that the final EIS describe how the retrievable grout is an alternative to ventilating the waste storage tanks and surrounding vaults to prevent moisture corrosion.
- 18.6 EPA recommends re-tiding the three sets of tables (Tables 4-3 & 4-4, 4-9 & 4-10, and 4-15 & 4-16) to identify the alternative with which each set is associated.
- 18.7 The term "lag storage" used in Section 2.2.3 is confusing for buildings/structures used to handle containerized contact-handled waste. An explanation of the use of this term should be considered for the final EIS.

In summary, EPA rates the document as LO, indicating that we have a lack of objections with the project and do not foresee significant adverse environmental impacts from the implementation of the proposed project. However, in order to provide a complete and thorough analysis of the proposed Waste Management activities, the aforementioned information and recommendations in this letter should be included in the final EIS.

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Document #0018: Comments
U.S. Environmental Protection Agency

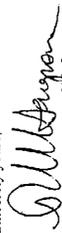
Document #0018: Responses

18.1. The Draft and Final EISs evaluate the impacts of managing waste that is already in the WVDP inventory and that might be generated over the next 10 years. DOE determined that 10 years was the appropriate analysis period in light of its intention to complete decisionmaking on the decommissioning and/or long-term stewardship of the WVDP site within that time period. DOE expects to ship the waste, as described in the preferred alternative, within the next 10 years to available treatment, storage, and disposal facilities. The EIS acknowledges that the HLW may remain at WVDP for more than 10 years. However, it also describes both the annual and the total impacts that could occur over the 10-year period. The total impacts would remain the same, but would be spread out over more years if, for example, a transportation campaign or a geologic repository were delayed. In addition, DOE did evaluate long-term, onsite storage of HLW in the No Action Alternative for the Yucca Mountain Repository EIS.

18.2. TRU waste is currently defined by NRC and DOE as waste containing more than 100 nanocuries of alpha-emitting isotopes, with half-lives greater than 20 years, per gram of waste. However, in the West Valley Demonstration Project Act, passed in 1980, TRU waste is defined as material contaminated with radioactive elements that have an atomic number greater than 92 in concentrations greater than 10 nanocuries per gram. The volume of TRU waste analyzed in the Draft and Final Waste Management EISs is that which meets the current (more than 100 nanocuries per gram) definition of TRU waste. This is appropriate because DOE is not proposing to dispose of any radioactive waste at the WVDP site. The volume of mixed LLW analyzed in the Draft and Final Waste Management EISs includes waste that meets the definition of TRU waste under the West Valley

Thank you for the opportunity to comment. Should you have any questions concerning this letter, please contact Mark Westrate of my staff at (212) 637-3789.

Sincerely yours,



Robert W. Hargrove, Chief
Strategic Planning and Multi-Media Programs Branch

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- 18.5. DOE decided to remove the option under Alternative B to place retrievable grout in the HLW tanks as an interim stabilization measure. DOE has eliminated the discussion and analysis of the use of retrievable grout in the Final EIS.
- 18.6. The titles of Tables 4-3, 4-4, 4-9, and 4-10 were changed to identify the alternative with which they are associated. Tables 4-15 and 4-16 were deleted as a result of DOE's decision to eliminate the option of placing retrievable grout in the HLW tanks as an interim stabilization measure under Alternative B.
- 18.7. An explanation of the term was added in the Final EIS (see Section 1.1.3.2 and the glossary).

- Demonstration Project Act (that is, waste with greater than 10 nanocuries but no more than 100 nanocuries per gram of alpha-emitting isotopes). If wastes were shipped offsite, waste that met the current definition of mixed LLW would be shipped and disposed of as such, and TRU waste shipped to an offsite location for interim storage or disposal would meet the current definition of TRU waste.
- 18.3. As noted in Appendix C and Section 4.1.1.2, 14 facility accidents were evaluated in the Draft EIS. In Table 2-5, the impacts of the drum puncture, pallet drop, and box puncture accidents for Class A LLW were included for the No Action Alternative. The impacts of the drum puncture, pallet drop, and box puncture accidents for Class C LLW were included for Alternatives A and B (the impacts for a Class A or B LLW container under these alternatives would be less). Thus, the potential impacts from a total of 14 accident scenarios were described in Table 2-5 of the Draft EIS. However, in the Final EIS, DOE has eliminated the option of placing retrievable grout in the HLW tanks as an interim stabilization measure under Alternative B. As a result, two of the original 14 accident scenarios evaluated in the Draft EIS (Containment System Failure During Interim Stabilization of Tank 8D-2, and Collapse of Tank 8D-2 [Grouted]) were also eliminated, reducing the number of accident scenarios evaluated in the Final EIS to 12. An explanatory footnote has been added to Table 2-5 of this Final EIS to clarify that the impacts of the drum puncture, pallet drop, and box puncture accidents are evaluated for both Class A LLW (for the No Action Alternative) and Class C LLW (for Alternatives A and B)
- 18.4. DOE added a description of the ongoing operation of ventilating the waste storage tanks in the Final EIS (see Section 2.3).